sould not be compelled by the ordinary process of By satisfactory proof, must be meant evidence secondized by law as competent in its nature to preve the fact, and sufficient to prima facie est about.

was noticed for trial.

The statute requires proof of more than the actual absence of the witness from the State on the day the action is tried. Such a continued absence must be proved, that ordinary diligence to procure his attendance by process of law would be ineffectual.

sctual.

Telegraphic residence to give a right to read the deposition must be such as would make it erroneous to eject the deposition.

Giving to the declarations of Strakosch's wife the pulset effect no one can conjecture from it when

d it.

The statute, by requiring the fact to be "satis-cterily proved," should not be construed to admit f mere hearsay evidence, when direct and compe-int evidence appears to have been as easily attain-ble.

ent evidence appears to have been as easily attainable.

In Guyon vs. Lewis (7 Wend. 26) the deposition was taken and cause tried before the existing statute was enacted. (14.28.) The deposition was taken in August, 1828, and the cause was tried in Jamary, 1829. The plaintiff testified to the court that the witness, immediately after being examined, and expected to leave the State; that previously he was in the habit of seeing him, but, had not seen him since. (1d. 28.) He was a trainent person; had no fixed habitation anywhere, and was a journeyman carpenter, seeking employment.

That was held sufficient. In Jackson vs. Rice, (3 Wend., 180) a deposition of Richard Harrison, raken under the act to perpetuate testimony (I. R. L., 455), was offered in evidence, and rejected. The preliminary proof was that of a witness who proved that Mr. Harrison was between seventy-five and eighty years of age, and that the witness believed, from the till state of his health, and the infirmities consequent upon his advanced age, he was unable to attend at the circuit as a witness. He had not, hewever, seen Mr. Harrison in several years, and did not personally know the state of his health.

The deposition was rejected. The Court said, "for angle that appeared, he might, although 80 years of age, have attended the court. At all events, the Judge was not bound to presume him mashle to attend. The plaintiff should not rely upon presumption where it was his duty to produce proof."

proof."
In Jackson vs. Perkins, (2 Wend. 308-315.) a deposition of Mrs. Vischer, taken under the same act,
was effered in evidence. It was allowed to be read,
an a tipulation of the plaintiff's counsel that a
fudgment of nonsuit might be entered if the Supreme Court, on a case made, should be of the
opinion that the deposition ought not to have been
secvived.

The syldence of her instility to attend was that

epinion that the deposition ought not to have been received.

The evidence of her inability to attend was that the was over 74 years of age; and one of the witnesses teatified that from his knowledge of her nituation and infirmities, he believed she could not and one of the witnesses teatified that from his knowledge of her nituation and infirmities, he believed she could not and one of the most serious injury to be health. This was held to be sufficient. (See Clarke vs. Dioble, 16 Wend, 601; The People vs. Haddes, 3d series, 225)

I think the spirit of these decisions requires legal proof, as contradiatinguished from mere hearsay evidence or belief, especially when it is apparent that it is as easily attainable as the inferior proof which may be offered. The mere declaration of a shird person ahould not be received as competent, and cortainly not as satisfactory proof of any fact, when such third person can be as easily prooured to testify to the fact as the one offered to prove his declaration respecting it. In this case, all the proof that was given of the continued a bence of Strakosch from the State was the declaration of his wife thet he had gone to Outchmark, (not eaying when he went,) and that the witness had not seen him in six weeks. (Robinson vs. Marke, 2d Mood. & Maik., 375, and I Camp. R. 172.)

Allowing such testimony would furnish opportunity for collusion, and vioute the raie that mere hearsay evidence is inadmissible, without the elightest necessity for it, in a case in which it was just as leasible, to call the party who made the declaration as some one who heard it made—testimony by his wife, that Strakosch left the city, avwedly to go to Cincinnati, stating when, that she had not seen or heard from him since, or had received letters from him bearing the Cincinnati post office stamp, would undoubtedly be satisfactory proof. We are all of the opinion, that on the evidence given, the plainitif was not entitled to read the deposition.

The defendant is therefore enritled to a new trisl, en secou

It was then read "to show the circulation of the paper and its income." The proof sufficiently connected the defendant with that number of the

meeted the defendant with that number of the Herald.

The paper was "relevant," and was competent evidence to show the circulation of the Herald, and of the extent to which the libellous matter had been published. So much of the extract read, as related to this point, was proper evidence.

The objection was not taken that the passage relating to the receipts of the Herald should not be read, but the objection was to the whole article. In not attempting to discriminate between the different points of it, the objection seems to nave assumed, that as a whole it was not admissible for any purpose, and the ground of objection taken was that it was in elevant.

Whether the part relating to the receipts of the

was in elevant.

Whether the part relating to the receipts of the effice, if specially objected to, should have been excluded, or whether its admission can be seen to have so prejudiced the defendant that, treating this as a motion for a new trial on a case, as well as an appeal from the judgment, a new trial should be granted, will depend upon considerations connected with the charge on the subject of damages, and exceptions taken by the defendant to the refusal of the Court to charge on that branch of the case, as requested.

ane Court to charge on that branch of the case, as requested.

The defendant requested the Court to charge the jury "that if the jury should find any ground in this case for giving damages to the plaintiff against the defendant, their verdict should be for such som only as would compensate the plaintiff for the injury he has sustained therefrom, and that the jury are not at liberty to give to the plaintiff any further sum, by way of punishment of the defendant, or by way of vindictive damages, or as smart money." The Court refused to so charge, and the defendant excepted.

It is not contended that the terms of the charge, as given, are particularly exceptionable.

and the derendant excepted.

It is not contended that the terms of the charge, as given, are particularly exceptionable.

The jury were instructed that the plaintiff had not proved any specific loss to his business as an epera manager. "In estimating the damnges, they were to look at the character of the libeis and the business of the plaintiff, not giving way to any seelings of prejudice, but examining the whole matter like business men, and so drawing their inference as to damages. That the Court had always held the rule in such cases to be that the ury could look at the whole character of the transactions, and that they could take into consideration all the proof before them of any malicious and actual intent to injure the plaintiff; that it was contended the evidence of Strakosch proved actual malice, and an intention to injure the plaintiff and break up his business. They would examine this evidence carefully, and determine whether it should be credited, and whether they could "rely upon the representations he makes, that Mr. Bennett declared his intention to finish, or otherwise injure and break down, the plaintiff." If it should came up to that, then the defendant stands before us as a man who deliberately undertook to do an injury; and if he fail to prove his allegation to be true, he cannot escape with nominal damages. The whole question of damages is entirely within your saind discretion. If you find for the plaintiff, you will give such damages as the occarion requires."

If the charge, as given, was not erroneous, and was as favorable to the defendant as he could properly require, then the question arises whether there was any error in refusing to give the instructions sought, or whether the not giving of it may be reasonably inferred to have been a substantial prejudice to the defendant. I state the interacter, see well as upon exceptions to the decisions of the Court.

The case does not show nor state anything to legally justify the inference that the night to

the Court.

The case does not show nor state anything to legally justify the inference that the plaintiff urged the jury to apply any other considerations in estimating the amount of damages than those which she charge, as given, approved, or insisted to the Court that any instructions should be given, van agt

from those which the defendant specially saked the those which the defendant specially asked the curt to give, unless it is to be inferred from the fact of the request itreif.

I cannot believe that when a charge unexceptionable in itself has been given, it is error not to go further, and charge a proposition, which, as an abstract one, is sound, when the converse of it has reither been asserted by the adverse party nor its application invoked to the disposition of any part of the case.

Unless the defendant, in his request to the Court to the characteristic and the court in the court in the court in the court in the characteristic in the court i

Unless the defendent, in his requist to the Court to charge that in addition to compensating the injary, the jury were not at liberty. "In give any further sum by way of penishment of the defendent, or by way of vinicitive damages, or as must comprossions, then it was not erroseous in any view to charge as reque ted, if "vinicitive damages," or damages "assumant money," could properly be given. Unless his proposition as an entire one was sound, it was not error to refuse to instruct the jury to adopt and be governed by it.

We do not understand the issuance domain for the damages in the country of the circumstances of indignity and contumely under which the wrong was done, and the councy of the remaining to the plaintiff, the plaintiff, the plaintiff, the plaintiff, the circumstances of ascund discretion, have arrived at what, in their judgment is a proper compensation—having reference to all these circumstances—their duty and power end; and they can add nothing to such compensation to punish the defendant for the public good, by deterring their form doing similar wrongs to the mane plaintiff or to others.

In each plaintiff or these propositions. A plaintiff who has been injured by a tort or wrong of a defendant power end; and they can do the compensation for mental suffering and a consideration of the circumstances of indignity under which the wrong was done, the public disgrace indicated, and other actual discumdor produced, the plaintiff should be compensated; at all condendations are not considered; and indications are not considered in a defendant is to be connected from such damages. If these include compensation for mental suffering and a consideration of the circumstances of indignity are the same, and the disgrace will be as absolute and merifying in the one case as the other, util his character has been vinicated by a verdict establishing the falsity of the calumnies of a defendant

In Wory vs. Jenkins, (14 J. R., 352.) being an action of trespase, for beating the plaintiff's mare, by reason whereof she died, the mare was proved to be worth \$50 or \$60. The Judge told the jury he plaintiff was entitled to recover the value of the mare; and "if they believed, as he did, that the defendant had whipped her to death, it was a case in which, from the wantonness and cruelty of the defendant's conduct, the jury had a right to give smart money." They found a verdict for \$75.

A motion was made to set aside the verdict, for excessive damages and mi sdirection of the Judge. The court said, "we think the charge of the Judge was correct; and we should have been better astisfied with the verdict if the amount of damages had been greater and more exemplary."

In Woodward ws. Paine, (15 J. H. 494.) the same instruction was given to the jury, and the correctness of the decision sfirmed.

In Root vs. Ring, (4 Wend, 113.) which was an action for a libel, the presiding Judge, after giving his views of the evils of a bitter and unnitigated aspersion of private character, through the medium of newspapers, stated in his charge that "in a fitting case a jury could reader no more meritorious service to the public than in repressing this enormous will. It can only be done by visiting with severe damages, him who wantonly and falsely assails the character of another through the public papers."

No exception was taken to this part of the

No exception was taken to this part of the charge.

The Chancellor, in his opinion, stated the rule to be that "the jury may not only give such damages as they think necessary to compensate the plaintiff for his actual injury, but they may also give damages by way of purishment, to the defendants. This is usually deno minated exemplary damages or smart money."

In Process of Comm. 162.3 which was an

usually deno minated exemplary damages or smart money."

In Fero v. Ruscoe, (4 Coms. 162.) which was an action for slander, the Judge charged that the failure to establish a justification was, in law, an aggravation of the slander, and that the defendant was not entitled to any benefit from the evidence given to make out a justification." He jury believed that it failed to make out a full justification." An exception was taken to this charge.

The Court of Appeals held the charge to be correct, and said that an attempt to justify, though honestly made, was an aggravation of the original wrorg. If the defendant makes a mistake it is at his own peril.

In Allen v. Addington, (11 Wend, 380,) an action for fairely representing the credit of one Baker.

his own peril.

In Allen v. Addington, (11 Wend, 380,) an action for falsely representing the credit of one Baker, whereby the plaintiff was induced to sail him goods to the value of \$2,000, the Judge instructed the jury that "if they should consider the plaintiff entitled to recover, he would be entitled not only to the amount of the goods sold, with the interest of the same, but also to exemplary damages." The defendant excepted to the charge, and the jury found a verdict for the plaintiff for \$2,564 84 damages.

5. When the cause was before the Supreme Court, for a new trial, that Court held that the rule of damages laid down to the jury, was not objectionable. A writ of error was brought to the Court for the Correction of Errors. (7 Weed, 193, 26.)

The judgment was reversed, on the sale ground that the second count was bad in substance, but the third count being deemed sufficient after werdict to sustain the judgment, the record was remitted to the Supreme Court, with liberty to the plaintiff to apply there to amend the Postea, so as to apply the verdict to the third count (the first count not having been proved) and to render judgment hereon; and if such leave was refused, to apply for a new trial and for liberty to amend his declaration before the awarding of a venire de novo.— (11. Wend., 421.)

Application was made to the Supreme Court for leave to amend the Postea, and enter judgment on the third count, which was granted.—(12. Wend., 216.)

This seems to be a direct affirmance of the propo-

the taird count, which was granted at 1215.)

This seems to be a direct affirmance of the proposition, that in an action of tort, although it affects property only, and the actual damages can be ascertained, exemplary damages may be given, in a case

Although the doctine that examples or vindicitive damages may be given in actions of tort, when the wrong was wantonly or maliciously committed, has been uniformly soted upon at Nust Pries, and senctioned both by the Supreme Court and the Court of last resort of this State, its justice or any direct authority for it, has recently been denied, in Dain va. Wykoff (5. Seld. R. 193) by an emineat Judge of the Court of Appeals.

We have also been flavored with the opinion of Mr. Justice Jewett, and that of Mr. Justice Mason, in the case of Taylor, Hale, and Murdock va. Church. That was an action for their. The Judge charged that "if the jury were estimated that the derendant was influenced by actual malice or deliberate intention to injure the plaintiffs, they might give such further damages (in addition to a full compensation for the injury) as are suited to the aggravated character which the act assumes, and as are necessary as an example to desert from the doing of such a suite of the Court did not express a concurrence with either Judges were present on the acception.

How many of the Judges were present on the acception, the correct, and Mr. Justice Mason held it to be correct, and Mr. Justice Mason held it to be correct, and Mr. Justice Jewelt in granting a new trial, on another ground, stated in his opinion.

How many of the Judges were present on the acgument of that case, or took part in the decision of it, the reconter's note does not state.

If the Court of Appeals has not directly affirmed the contrary of the instruction sought on the trial of this action, set fresh and the proper and the contrary of the instruction of the proper of the correction of the proper of the resort of the proper of the proper of the proper o

The following is the de ision of Justice Hoff-

HOFFMAN, J.—As I concur with my brethren in their conclusions, upon every point of the cause, and consider the reasons assigned by Mr. Justice Besworth as sofficient to sustain such conclusions, it might appear needless to add anything to the opinion delivered. But the leading question in this case—the right to give vindictive damages in a libel suit where actual malice is found by the jary—receives great importance from the opinions of some Judges of the Court of Appeals, which question that right. The doubt thus thrown upon a rule which I had received from my professional teachers as unquestioned, irreversible law, has made me feel it a duty to add something to the reasoning and authorities upon which the opinion of my brother is founded. The twenty ninth exception taken by the defendant's counsel upon the trial, involves the point in controversy.

controversy.

The Judge was requested to charge as follows:—
"That if the jury should not any ground for giving damages to the plaintiff, their verdit should be for such sum orly as would compensate him for the injury he had sustained therefrom; and that the jury were not at liberty to give him any father sure the sure of the sum of the su

were not at liberty to give him any further sum by way of publishment of the defendant, or by way of vindicitive damages, or as smart monsy."

The observations of my brother Bosworth, in contrasting this request with the charge actually made, and his concision that the refuse is not, when the whole is considered ground of exception, appear to me uranswershle. But I am desirous of expressing my own opinion upon this great point, when placed in the strongest form in which it can be presented for the defendant. I shall, therefore, consider it as if the Judge had expressly charged the converse of the proposition to be the law, and had employed the language of the request, varying it only by omitting the word "not" in the latter part, and inserting the same word after the word "should" in the first clause.

In determining whether this would be ground of exception, the Court is justified in connecting it with portions of the charge actually made, pertinent to the same question. It may, therefore, by viewed, in conjunction with the leastretion, "that an actual malicious intent in making the publication might be proven, and the juzy was to judge by the evidence whether such an intent was made out. If such was the case, and the defendant had not proven his allegations to be true; as should not escaps with nominal damages."

I shall treat the question, then, as the counsel insists it must be treated ander the refusal and the actual charge; and shall suppose that the Judge had added after what I have quoted from the charge, the converse of the proposition contained in the request, as I have stated it.

It is to be noticed that this proposition does not involve, but may be critical consistent with, the exchance of the ideas of punishment for the injury done to society. It is punishment for the injury done to society. It is punishment for the injury done to society. It is punishment for the injury done to society. It is punishment for the intent to injure is numerous cares, where no injury can probably arise; and it is cons

The punishment upon a conviction for a libel in our State is a fine not exceeding \$250, or imprisonment not exceeding ore year, or both such fine and imprisonment. (2 R S, 687). This is the reparation to the public, which the Legislature has deemed sufficient for the vindication of public justice. And that offence which is thus punished is the tendency of the libel to provoke to a breach of the peace. (1 Hinck., Pl. C. 73, 2 Kent., 17).

This tendency is no essentially the ground of the criminal presecution, that it lay at the root of the rule so long prevalent in our own country. And the truth upon an indictment for a libel could not be given in evidence. (The People vs. Crowell, 2 John. Cas. 392, 2 Kent., 18). Whether true or false, the danger to the peace of the country was the same.

When, then, the terms vindictive damages, or exemplary damages, are employed in a civil action for libel, they mean, in my opinion, the atonement which the law demands shall be made to the libelled party by the offender, and such atonement involves essentially his punishment. It is a condemnation and infliction for traducing the individual, not for provoking him to break the peace.

It would be objectionable, in this view of the

It is a condemnation and infliction for traducing the individual, not for provoking him to break the peace.

It would be objectionable, in this view of the case, to instruct a jury to give damages on the ground that the interests of society required the defendant's punishment, or that they could consider the offence to the State as a reason for increasing the damages. It must be admitted that this idea has, in some cases, been loosely and partially presented. It does not belong to that idea of the punishment now sought to be developed, which is consistent with the supposition, either that there is no penalty on behalf of the State, or that such penalty is for another cause, and with a different object.

The mement we admit of any exception to the naked rule of compensation, measured by an accurate or approximate computation of actual pecuniary loss, we admit the idea of a reparation for something indefinite, and the adjustment of which must be indefinite, and the adjustment of such that the question of damages must always include both a question of loss and sclatium." (Quoted by Mr. Bedgwick, 465, N.) The allowance of any sum for solutium is an allowance for something beyond positive loss, and for reparation distinct from restoration. It seems difficut to separate this idea of reparation from that of punishment. What is taken from the offender beyond what is lost and can be restored to the party injured, partakes of the nature of a penalty.

But again, there is a class of libel cases in which

paration from that of punishment. What is taken from the offender beyond what is lost and can be restered to the party injured, partakes of the nature of a penalty.

But again, there is a class of libel cases in which the character and situation of the person assailed preclude the possibility, not merely of a pecunity loss, but of an injury to the reputation, or even a wound to feeling. Lord Senterden adverts to such instances when he speaks of the calumnies of those whose censure is more to be desired than their praise; and Cicero had before declared: Invidiam virtute partism, gleriam, non invidiam, putaterm. (In Cat.)

When the justice of the country is invoked to deal with a libeller in such a case, on what ground can sny damage be awarded but upon that of atonement for an attempted offence, and punishment as the absolute foundation and object of the verder? Civil a tions for libels must be abandoned, and in cases where the just indignation of an honest community demands their enforcement, is such a principle must be surrendered.

With these views, I have examined the leading English cases, and those of our sister States, which are cited by Mr. Sedgwick in his able work upon damages, and in the comments of Mr. Greenleaf and Mr. Metcalf upon them. A few others may be added. (Cole vs. Tucker, 6 Fexas Rep. 288; Fleet vs. Hollenheep, 13 B. Mource, 225; Stout vs. Frad, Coxes N. J. Rep. 79; Trabrue vs. Mays, 3 Daoa 138.) It appears to me that the great body of these suthorities sanction the rule as 1 have attempted to express it.

It is superflucus for me to notice the decisions in cur own State, after the critical and ample examination of them by my associate. I content myself with adverting to that of Hillotson vs. Obsetiam, in 1808. (3 Jehn, Rep. 56), and to thore of Collies vs. the Albany R R. Company, in 1852 (12 Barbour 495). and Taylor vs. Church, in 1853 (Selden's Notes of Appeal Cases, July, 1853, p. 50).

In 1808 Chief Justice Speacer stated, "that it had always been the present consecrated as an endurin

charge corre t.

A new trial must, however, be granted on account of the denistion of the deposition of Strakosch.

Judge Campbell next delivered his opinion, brief

ly saying:—

I concur with my associates that the absence of Strakesch was not satisfactorily proven, and that his deposition should not have been admitted, and that there should be a new trial. A question was raised on the right of the jury to give punitive damages. The Court have come to the decision that in an action of this hind punitive damages may be given. Cases were cited in the courts of other States, in which it has been held that damages could not be given to punish the defendant in a civil attion; yet there are decisions to the contrary in the courts of this State, and, without saying what we would de if this were an open question, we feel ourselves concluded by the authorities. New Granada.

OUR CARTHAGENA CORRESPONDENCE.

CARTHAGENA, NEW GRANADA, NOV. 10, 1854. Santa Anna's Household at Turbaco Ready for his Reception of he Abdicates—His Promises and Acts -Cost of His Territorial "Slices"-His Public and Private Character in Contrast-New Gra-nada Polítics. Your valuable papers, 16th and 26th September

came under my sight by chance.

I sm astonished at the good sense you have shown in your papers of the 31 and 5th of February, 1853, respecting Mexican affairs, and Santa Anna. I have had already the honor to mention to you that his dwelling, furniture, cook and two stewards, are still in the very same state as when he left Tur-baco on the 9th of March, 1853. His body or person is certainly in Tacubaya or Mexico, but his mind vagues or wanders out of his land; for the mo he sees danger of himself or his person, he either abdicates or abandons his Mexicans to their fate. Colonel Escobar sent to him by the State of Vers

Cruz in January of that year, on his embarking him-self on the 10th of February, said to me, voy conten-to—"I depart highly satisfied. The General has promised to me solemnly, that on his being reinstated in power in Mexico, he will leave one side

promised to me solemnly, that on his being reinstated in power in Mexico, he will leave one side the old clique of flatterers and rogues." His friends from Mexico, whilst his correspondence used to come through me, both from the capital and Vera Cruz, wrote or were accustomed to address him in the follewing words:

"Your party is increasing, and would increase still more were they sure of your principles, and of the justice of the acts of your new administration, but they are afraid that you will return to the old habits of employing near you people of the wors: description—pilos y picaros."

Well, you will conier an immense benefit to the poor Mexicans by striking hard against Santa Anna, to your treasury also, for he will be tempting them with new slices of the pine apple, which Santa Anna himself used to say, "he would eat when it became ripe." Surely, the Senate of the United States were wiser than Mr. Gadsden, in retreaching or cutting ten millions out of the original twenty. But had that grave assembly been composed of individuals well acquainted with his character, five millions more might have been saved to the coffers of the United States were wiser than Mr. Gadsden, in retreaching or cutting ten millions more might have been saved to the coffers of the United States Treasury.

Banta Anna has no greater admirer than myself as a private, domestic man, and were he to return here, which he may likely, and for which he is prepared, and we too, we shall receive him with open arms. But as a public man, he must be shunned; and I am of a particular opinion, which is corroborasced by those that have been close to him, that in governing he gets crazy, whimsical, and lose all tact; so that it is impossible for him to remain or to be left in power more or longer than one or two years.

to be left in power more or longer than a power more years.

Our political affairs continue in the same uncertain and bad state. To complicate them more, he is going to send us Senor Francisco Mora, as minister. However, under the actual political state of affairs, we augur badly of the Commissioner of Santa Anna, who is a plague to acciety which he has any sway in it. Send him away from Mexico as fast as possible.

F. DEEE.

SPORT ON THE SUN—A correspondent of the Providence Journal of this morning, states, for the information of those who believe that there is a connection between the temperature of our planet and the state of the sun's disc, that there are now two spots on the sun of uncommon size, and great regularity of figure, almost circular, which are surrounded by a penumbra,

Our But Correspondence.

Pakes, Switzerland, Jan. 20, 1855.

Arrest of an Alleged Defaulter from the United State

The Central Railroad, &c.

I have only time for a word, as the mail is about to couse. I have just received information that the absconding treasurer of Holmes City, (I think that is the name) Ohio, was arrested by a member of the Basle police, on arriving at Neufchatel, on the evening of the 18th. What steps will be taken with him, I am asyst unadvised; he had about his person some 50,000 franca in bills of exchange. There was a reward of \$2,000 for his apprehension, if the with the money. This cought, in some manner. taken with the money. This ought, in some manner, to appease the Swiss confederatives for the amount which, I presume, they will be compelled to pay over for the unjust detention of Dr. Philips and companion at Basie. I learn, however, the reward for the arrest of the treasurer goes to the gen d'arme who was so fortunate as to get hold of him. uld it prove true, as has been represented, that a a foreigner, I am inclined to think the Know Nothings will make full use of the fact.

The Swiss Central Railroad is now open and runnapidly progressing beyond the latter place. The Badish line is also completed and carrying freight, and it is hoped that, in a few days, a passenger train will also be started, so that, in fact, Basic is now the centre of a network of railroads

Affairs in Nebraska.

Омана Сіту, N. Т., Jan. 31, 1855. Bill-The Capital, &c.

Nebraska's legislators work slowly here. Nearly one-third of the specified time for the first sessi separately, but about three acts. The all absorbing question is that locating the capital.

voted for this place, and the report will pass the rounds of the press for a season, that the capital is located here. Such is not the case, and I doubt such a result. The Council consider the question to-morrow; but little hopes are entertained, however, of carrying any of the thirteen members more than Charges of bribery and corruption have been made against members in their action upon the question, cure it. Some members will doubtless make more than their simple per diem.

A joint resolution from the House passed that

body a few days since, strongly commendatory of the Kansas and Nebraska bill, &c. The vote stood 21 ayes—4 nays. This was better than I expected. Indeed, I had not supposed that number of Nebras-ka democrats, (21) were in that body. They will pass the Council.

A memorial to Congress for the passage of the Homestead bill, passed to its third reading in the Council yesterday. It will pass that body and the House.

Council percentary.

The Committee on Militia have recommended the Governor to organize two mounted companies for Indian service—to be stationed, one at the mouth of the Running Water, on the Platte river, and the other at Nebraska Centre, on Wood river. We need such, and even a stronger force, to prevent further Indian depredations, every day now, almost, reaching us.

reaching us.

Gambling and drinking are common. Provisions are remarkably high, and the thermometer now stands 10 degrees below zero. Accompanying I send you the standing committees of both houses:— STANDING COMMITTEES OF THE COUNCIL.
Judiciary—Richardson, Rogers, Bennett.
Finance, Ways and Means—Messrs. Folsom,
Jones and Nuckolls.
Territorial Affairs—Mitchell, Bradford and Good-

will.

Schools and Seminaries of Learning-Rogers, Cowles and Folsom.

Militia and Military Affairs—Bradford, Jones and

Richardson.

Incorporations—Clark, Folsom and Nuckolls.

Territorial Library—Rogers, Richardson and Mitchell.

Public Buildings—Goodwill, Rogers and Nuckolls.

Privileges and Elections—Goodwill, Jones and Cowles.

Cowles.
Counties, County Seats and Townships—Jones,
Brown and Folsom.
Printing—Brown, Bradford and Rogers.
Enrollment—Mitchell and Bennett.
Agriculture and Manufactures—Goodwill and
Bradford.

Privileges and Elections—Richardson, Kempton,
Byers, Hall and Purple.
Ways and Means—Clancy, Cowles, Wood, Singleton and Whitted.
Judiciary—Latham, Poppleton, Johnston, Purple
and Richardson. STANDING COMMITTEES OF HOUSE OF REPRESEN and Richardson.
Accounts and Expenditures—Thompson, Arnold,
Davis, Doyle and Decker.
Agriculture—Goyer, Finney. Maddox, Davidson and Singleton.

Militia—Robertson, Doyle, Decker, Claney and Bennet.

Roads—Byers, Latham, Hall, Wood and Whitted.
Public Buildings and Grounds—Davis, Thompson,
Richards u, Arnoid and Wood.
Internal improvements—Thompson, Johnston,
Goyer, Doyle and Robertson.
Federal Relations—Johnston, Wood, Thompson,
Latham and Robertson.
Engrowed and Emplied Bills—Latham Kennton.

Federal Relations—Johnston, Wood, Thompson, Latham and Robertson.

Engrossed and Enrolled Bills—Latham, Kempton, Byers, Richardson and Smith.

County Boundaries and County Seats—Kempton, Poppleton, Purple, Cowies and Wood.

Corporations—Johnston, Poppleton, Purple, Thompson and Byers.

Library—Wood, Singleton, Thompson, Davis and Doyle.

Doj le.
Banks and Currency—Thompson, Hall, Finney,
Whitted and Arnold.
Common Schools, Colleges and Universities—
Poppleton, Johnston, Richardson, Purple and Kempton. Public Printing—Purple, Poppleton, Arnold, Maddox and Finney.

Maddox and Finney.

Germans Protesting againts Closing Lager Bier Balcons on Sunday.

[From the Cincinnati Commercial, Feb. 15.]

A meeting of German citizens was held at Fortmann's Hall, over the canal, yesterday afternoon, to consider the propriety of seaking for a repeal of the Sunday ordinance against the opening of coffee-houses on the Sabbath. The meeting was numerously attended (the proprietors of German public houses being strongly represented,) and the proceedings were rather of an enthusiastic character—our German fellow-citizens being very loth to surrender their right of quaffing lager bier on the Sabbath.

Mr. Gams was appointed President, and C. Class Secreeary.

Sabbath.

Mr. Gams was appointed President, and C. Class Secretary.

Atter half a dozen speeches were made in the German language, the following petition to the City Council was adepted, and a committee appointed to circulate it in the different wards for signatures:

To the Honorable the City Council of the City of Cincinnati.—The undersigned sitiesns and residents of said city respectfully represent to your honorable body, that the ordinance to regulate taverns, restaurante, &c., passed on the 19th day of January, 1855, and put in force on the 1st of February, dose by no means meet with the approval of the citizens of Cincinnati.

1st. Because it defeats the very object of its enactment; while its advocates assert that its operation is beneficial to morals and religion, it drags the vice of intemperance to the very fireades of private families.

2d. Because it is in violation of the letter and spirit of the constitution of the United States and of this State, by forcing the citizens of all denominations to conform in the celebration of the Sabbath to the religious tenets of a particular sect, thereby destroying the freedom of conscience.

3d. Because it bears on its very face the works of hardy legislation, "providing as it does for fines of ose hundred dollars, while no such power is granted by the city charter.

hundred dollars, while no such power is granted by the city charter.

For these reasons, more amply explained by the adjoined memorial, the undersigned most respectfully solicit your honorable body to repeal said ordinance, or to modify the same is such a way that the refreshments permitted by the laws of the State may be accessible to to the public on Sundays as well as on the other days of the week.

EXCLIEMENT IN A CINCINNATI SCHOOL-EXPULSION OF A NUMBER PUPIL.—The Cincinnati Commercial of Friday says: There was great excitement in the Seventh district yesterday, concerning the determination of Miss Newhall, that a colored boy, who had been in other departments of the school, shall not be admitted into hers. The boy was regularly a pupil for some months, and nothing was said of it until he was transferred to Miss Newhall's room, when she sent him home with a note informing his mother that he would not be permitted to remain longer in the school. The mother, who is a light number of the sent him home with a note informing his mother that he would not be permitted to remain longer in the school. The mother, who is a light number of the school. The mother, who is a light number of the school. The mother who had the permitted in returning to do so. The Gaszie says the matter was laid before the School Beard subsequently, and that Miss Newhall, after an acciding debate, was sustained in the course she had pursued.

and the brig Hamlet, belonging to Harlan & Heillings worth, and caused them to drift down with great fors against the Wilmington bridge, where they were completely jammed in with ice.

The boxts are not believed to be injured. About 10 feet of the bridge over the Christians, two miles frow Wilmington, have been carried away, and workmen ar engaged to prevent it from becoming an entire wrech Travel to Newcastle is suspended by the damage to the bridge. The Journal adds:—

The banks on the margin of the Christians river have broken in several places, and the marshes for sever miles around are completely deluged with water.

There is at present a larger body of ice in the Christian are entertained that a great destruction of property with the place when it breaks up, for in many places the ice is piled up five and six feet high.

The tide in the Christians, on Thursday morning, row to an unusual height, and fears were entertained that when it commenced to run down, it would bring with the body of ice above, and carry away the Wilmingto bridge, and cause considerable damage to the vessels in a harbor.

At Brandywine, as far as we could learn, very litt damage was austained. The water rose to a considerable height, and entered the lower stores of the not mills on that stream.

THE VOTE ON THE REJECTION OF E. G. LORING.
The Boston Adverture publishes the following as the state of the vote in the Board of Overseers of Harvar College yesterday afternoo, on the question of concurring in the nomination of Hon. Edwd. G. Loring, as Leturer in the Law School. The Board consists of 3 yesterday.—
Hon. Caleb Cushing, Rev. Baron Stow, D.D., Hon. D. vid Sears, Hon. Marcus Morton (ex-Governor), Rev. 8 muel M. Worcester, D.D., Hon. Julius Rockwell, Hot Richard Fletcher—7.
The following members are believed to have voted ye

The following members are believed to have voted ye (in favor of confirming the nomination):

Hos. Emory Washburn (ex. Gevernor), Hon. John I Clifford (ex. Governor), Hon. Abbott Lawrence, Hor. Robert C. Winthrop, Hon. Reuben A. Chapman, (Springfield; Rev. Eurs S. Gannett, D.D., Rev. George W. Blagden, D.D., Rev. Thomas Worcester, Rev. Jam. Walker, D.D. (President of the College), William T. Al Crews (Treasurer of the College)—10.

The following members are believed to have voted us (against confirming the nomination):—

Hon. Henry J. Cardneg, (Governor); Hon. Sim. Brown (Lieut. Governor); Hon. Benry W. Benchle (President of the Senate); Hon. Daniel C. Eddy, (Speakof the Hune); Rev. Barnas Sears, D. D., (Scoretary the Board of Education); Hon. George R. Rriggs, (e. Governor); Hon. George R. Bontwell, (ex. Governor) Hon. Samuel Hoar, of Concord; Hon. Samuel D. Braford, Hon. Francis Bassett, Hon. George Morey, Holed Hon. Greenfield; Rev. Hoses Ballon, 2d, D. D., Rev. Rodne, A. Miller, Rev. J. H. Twombly, Nathaniel Coggwell, I. B. Wheelright, Nathaniel R. Shutteff.—20.

The Ailas publishes a list, in which the names of Hot. Abbott Lawrence and Hon. S. D. Bradford are transpose the former being represented as voting may and, the later yea. In the other names it corresponds with the above list.

ter yes. In the other names it corresponds with the above list.

Shock of an Earthquake in New Brunswick [From the St. John News, Feb. 9.]

We were visited yesterday morning by what might termed an earthquake in the real sense of the word, such a phenomenon can be judged of by the state of or feelings. It happened about a quarter to 7 e'clock, M., accompanied by a rumbling noise which lasted from seconds. The houses shook, some more and sen less, according to locality. The vibration may be corpared to that which we experience from the blasting a reck, without hearing a loud report—or to that which we feel when on board a steamer, from the working the engine. The general impression among those wheals were passing over a hard road, divested of snot the windows, stoves, tins, and other metal substance wheels were passing over a hard road, divested of snot the windows, stoves, tins, and other metal substance were all in a violent sgitation for some seconds. So thought their chimneys were on fire, from the rumblinoise, and ran into the street, much alarmed, to accume all in a violent sgitation for some seconds. So thought their chimneys were on fire, from the rumblinoise, and ran into the street, much alarmed, to accume the substance when the substance were all in a violent sgitation for some seconds. So thought their chimneys were on fire, from the rumblinoise, and ran into the street, much alarmed, to accume and into the street, and alarmed, to accume the case.

Meet people were asleep in their beds, and were sudenly awoke, as if they had received a galvanic abec. The sensation was more perceptible and alarming stome and brick buildings, which shook as if they wou fall to pieces. In the Fortland Valley, in the vienity whe church, the shock was perhaps the greatest. We are informed that children lying in their beds we aroused and jumped up with fright. It was not a least it is greated to the second of the respective to the regishoric tate—as we learn by telegraph to Reading Room. Fredericton it was very perceptible

unking under them, and could scarcely stand.

RIOT IN KANSAS.—A CLERGYMAN MORBED AN NEARLY RHLED.—The Lexington (Mo.) Express publish an account of a riot between a number of squatters Kansas. It occurred in the town of Fremont, and tollewing are said to be the facts. The mob, witho provocation, entirely destroyed the premises of Rev. Mr. Himmer, and after having best and stoned I person to such a degree that all reasonable hope of life was lost, they carried him off by force, togeth with his suffering wife, who was still clinging to I mangled body, and conveyed them away some five mile and eet them down on the open prairie, there to peris 1 he mob then returned, with yells of trimmph, to tresidence of A. A. Ward, where they organized, a from whence they started, which is the immediate vicility of the demolished premises. They held a mock at tion, and sold off what remained of building materia which were bid in by the instigators of the mob. The stole the potatoes, onlong, chickons, &c., of the st bleeding, and supposed dead, sufferer.